

REMARKS

Claims 1, 2, and 4-63 are pending. Claims 6, 7, 11-23, 26-29, 32, 33, 41, 42, and 44-53 are withdrawn. Claims 1, 2, 4, 5, 8-10, 24, 25, 30, 31, 34-40, and 43 are rejected.

Applicant respectfully requests that the Examiner cancel the withdrawal of claims 26-28, 32-33, and 41 and reinstate these claims for examination for the following reasons.

Claims 26-28 parallel claims 24-25, which are presently under examination, for a dermal layer. Claims 32-33 encompass an embodiment of the method of claims 24-25, presently under examination. Claim 41 depends from claim 34, presently under examination.

Applicant respectfully requests that the Examiner confirm that claims 26-28, 32-33, and 41 are pending.

CLAIM REJECTIONS UNDER 35 U.S.C. §102

Claims 1-2, 4-5, 9-10, 24-25, 30-31, 34-37, and 39-40 are rejected under 35 U.S.C. §102(b) as anticipated by the Soviet patent (SU 1685448) and U.S. Patent No. 6,030,612 (the '612 patent). Claim 38 is also rejected as anticipated by the Soviet patent. Applicant respectfully disagrees. Applicant respectfully asserts that the Examiner has not complied with the duty to point out the relevant sections of the references she has applied. While applicant will attempt to completely respond, he requests not to be penalized and that any subsequent Action be non-final to further respond once the Examiner has clarified the basis of the objection.

Soviet Patent No. 1685448

Applicant has amended all independent claims except claim 34 to require the enzyme is sole active ingredient, by using "consisting essentially of " terminology. This distinguishes over the Soviet patent which requires enzyme and theophylline and DMSO as active ingredients ("... the agent contains in their capacity as medicinal agents theophylline, trypsin, dimethylsulfoxide ...") in a lanolin-oily base (see "Claim" on the fourth page of Soviet patent translation)).

Applicant's amendment is supported at least at example 1, page 22.

For claims 34-41 (41 properly included for the reasons analyzed above), the Soviet patent does not disclose regulating the depth of skin treatment, as applicant claims, and thus does not anticipate the invention.

U.S. Patent No. 6,030,612

The '612 patent discloses a multifunctional enzyme with activities of chymotrypsin, and trypsin, and elastase, and collagenase, and exo peptidase ('612 patent abstract). This does not anticipate applicant's invention at least because use of the multifunctional enzyme cannot be selective, and each of applicant's claims requires selective treatment.

CLAIM REJECTIONS UNDER 35 U.S.C. §§102(e) and 103

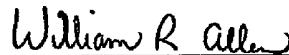
Claims 1, 2, 4, 5, 9, 10, 24, 25, 30, 31, and 34-40 are rejected under 35 U.S.C. §102 (e) as anticipated by Published Application No. 2003/0021775 or, in the alternative, are rejected under 35 U.S.C. §103(a) as obvious over the published application.

Applicant respectfully asserts that the published application neither anticipates applicant's invention nor renders it obvious. The published application requires pressurized fluid applied in a "stripping" flow (abstract) for collecting skin cells. This is hydrostatic tissue debridement and does not anticipate applicant's method of treatment. Further, it does not render applicant's invention obvious, at least because there is no teaching, suggestion, or motivation in the published application to provide an enzyme composition for selective treatment in a non-pressurized formulation.

CONCLUSION

Applicant has included a Petition for Extension of Time with this submission, and authorizes the Examiner to charge the fee of \$210 to Deposit Account 23-3000. If any additional fees are necessary, the Commissioner may consider this to be a request for such and charge any required fees to Deposit Account 23-3000.

Respectfully submitted,
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